

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:22-MD-03036-KDB**

**IN RE: GARDASIL PRODUCTS  
LIABILITY LITIGATION**

**MDL No. 3036**

**THIS DOCUMENT RELATES TO  
ALL BELLWETHER CASES**

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**PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION TO CONTINUE  
THE FEBRUARY 11, 2025, HEARING BY TWO WEEKS**

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Plaintiffs submit this Reply in support of their Motion to Continue the February 11, 2025, hearing by two weeks (Doc. 256). In support of that Motion, Plaintiffs state as follows:

1. While Plaintiffs do not believe Merck's opposition demonstrates that MDL counsel for Merck would be prejudiced by a two week continuance given the number of firms and attorneys that are involved on behalf of Merck in the *Robi* matter, Plaintiffs are more than willing to postpone the February 11, 2025 hearing until after completion of Merck's case in chief in the *Robi* trial, thereby relieving both parties of any prejudice caused by the scheduling conflict.

2. MDL Plaintiffs' Co-Lead Counsel Paul Pennock has led the handling of Plaintiffs' regulatory experts and opposition to Merck's preemption motions in both this MDL and in the *Robi* case. If another lawyer is required to step in for Attorney Pennock due to his attendance at the *Robi* trial in the days leading up to and on February 11, 2025, it would be prejudicial to the plaintiffs in this MDL.

3. Furthermore, as Merck knows, the *Robi* case is the oldest filed Gardasil case (filed in 2016) and is subject to California's statutory five-year rule, whereby a civil case must be brought within five years of filing. Plaintiff Robi has agreed to extend this deadline multiple times and attorneys for Plaintiff have coordinated discovery with the MDL. However, Plaintiff Robi needs medical treatment related to her injuries that insurance has fought, and further delay of her trial could potentially prejudice her health; at this point, Plaintiff Robi must take her opportunity to prove her claims in the court where she filed almost 9 years ago.

For these reasons, in addition to those raised in Plaintiffs' Motion (Doc. 256), Plaintiffs respectfully request that this Court continue the February 11, 2025, hearing by two weeks or, in the alternative, continue the hearing until after the conclusion of Merck's case in chief in the *Robi* trial.

Dated: January 28, 2025

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

A copy of this filing was served on all counsel of record through this Court's electronic filing system.

/s/ Josh Autry